Serial No.: 09/766,399
Group Art Unit: 1634

APPENDIX

Version with markings to show changes made

WHAT IS CLAIMED IS:

1. (Canceled 10-10-02)

2. (Amended thrice) An isolated plant promoter comprising at least one synthetic multimeric promoter element region that is capable of driving transcription in a plant cell, wherein said promoter comprises a polynucleotide selected from the group consisting of:

(a) a nucleotide sequence of not greater than 2000 nucleotides comprising promoter elements GT-2 comprising SEQ ID NO.:24, ABRE1 comprising SEQ ID NO.:2, ABRE1 comprising SEQ ID NO.:2, GT-2 comprising SEQ ID NO.:24, As-1 comprising SEQ ID NO.:7, GT-2 comprising SEQ ID NO.:24, GT-2 comprising SEQ ID NO.:24, DRE1 comprising SEQ ID NO.:59, GT-2 comprising SEQ ID NO.:24, DRE1 comprising SEQ ID NO.:59, DRE1 comprising SEQ ID NO.:59, As-1 comprising SEQ ID NO.:7, DRE1 comprising SEQ ID NO.:59, DRE1 comprising SEQ ID NO.:59, and ABRE1 comprising SEQ ID NO.:2, sequentially;

(b) a nucleotide sequence comprising SEQ ID NO.:65;

(c) a nucleotide sequence of not less than 50 nucleotides that hybridizes under stringent conditions to a nucleotide sequence of (a) or (b), wherein said stringent conditions [include] are hybridization in 50% formamide, 1M NaCl, 1% SDS at 37°C, and a wash in 0.1xSSC at 60-65°C; and

(d) a polynucleotide which has at least about 90% sequence identity as determined by the GAP algorithm under default parameters across the full length of a sequence of (a) or to the promoter elements of (b).

3. (Original) A chimeric gene comprising the promoter of claim 2 operably linked to a coding sequence.

4. (Original) An expression cassette comprising the chimeric gene of claim 3.

5. (Original) A transformation vector comprising the expression cassette of claim 4.

6. (Original) A plant stably transformed with the transformation vector of claim 5.

7. (Cancelled) A plant, or its parts, having stably incorporated into its genome a DNA construct comprising a plant promoter of claim 2 operably linked to a coding sequence.

8. (Amended thrice) A plant, or its parts, having stably incorporated into its genome a DNA construct comprising a plant promoter operably linked to a coding sequence[s], said plant promoter comprising at least one synthetic multimeric promoter element region that is capable of driving transcription in a plant cell, wherein said promoter comprises a polynucleotide selected from the group consisting of:

(a) a nucleotide sequence of not greater than 2000 nucleotides comprising promoter elements GT-2 comprising SEQ ID NO.:24, ABRE1 comprising

SEQ ID NO.:2, ABRE1 comprising SEQ ID NO.:2, GT-2 comprising SEQ ID NO.:24, As-1 comprising SEQ ID NO.:7, GT-2 comprising SEQ ID NO.:24, GT-2 comprising SEQ ID NO.:24, DRE1 comprising SEQ ID NO.:59, GT-2 comprising SEQ ID NO.:24, DRE1 comprising SEQ ID NO.:59, DRE1 comprising SEQ ID NO.:59, As-1 comprising SEQ ID NO.:7, DRE1 comprising SEQ ID NO.:59, DRE1 comprising SEQ ID NO.:59, and ABRE1 comprising SEQ ID NO.:2, sequentially;

(b) a nucleotide sequence comprising SEQ ID NO.:65;

(c) a nucleotide sequence of not less than 50 nucleotides that hybridizes under stringent conditions to a nucleotide sequence of (a) or (b), wherein said stringent conditions [include] are hybridization in 50% formamide, 1M NaCl, 1% SDS at 37°C, and a wash in 0.1XSSC at 60-65°C; and

(d) a polynucleotide which has at least about 90% sequence identity as determined by the GAP algorithm under default parameters across the full length of a sequence of (a) or to the promoter elements of (b).

9. (Original) The plant of claim 8, wherein said plant is a dicot.

10. (Original) The plant of claim 8, wherein said plant is a monocot.

11. (Original) The plant of claim 10, wherein said monocot is maize.

12. (Amended thrice) A plant cell having stably incorporated into its genome a DNA construct comprising a plant promoter operably linked to a coding sequence, said plant promoter comprising at least one synthetic multimeric promoter element region that is capable of driving transcription in a plant cell, wherein said promoter comprises a polynucleotide selected from the group consisting of:

(a) a nucleotide sequence of not greater than 2000 nucleotides comprising promoter elements GT-2 comprising SEQ ID NO.:24, ABRE1 comprising

SEQ ID NO.:2, ABRE1 comprising SEQ ID NO.:2, GT-2 comprising SEQ ID NO.:24, As-1 comprising SEQ ID NO.:7, GT-2 comprising SEQ ID NO.:24, GT-2 comprising SEQ ID NO.:24, DRE1 comprising SEQ ID NO.:59, GT-2 comprising SEQ ID NO.:24, DRE1 comprising SEQ ID NO.:59, DRE1 comprising SEQ ID NO.:59, As-1 comprising SEQ ID NO.:7, DRE1 comprising SEQ ID NO.:59, DRE1 comprising SEQ ID NO.:59, and ABRE1 comprising SEQ ID NO.:2, sequentially;

(b) a nucleotide sequence comprising SEQ ID NO.:65;

(c) a nucleotide sequence of not less than 50 nucleotides that hybridizes under stringent conditions to the nucleotide sequence of (a) or (b), wherein said stringent conditions[include] are hybridization in 50% formamide, 1M NaCl, 1% SDS at 37°C, and a wash in 0.1XSSC at 60-65°C; and,

(d) a polynucleotide which has at least about 90% sequence identity as determined by the GAP algorithm under default parameters across the full length of a sequence of (a) or to the promoter elements of (b).

13. (Original) The plant cell of claim 12, wherein said plant cell is from a dicotyledonous plant.

14. (Original) The plant cell of claim 12, wherein said plant cell is from a monocotyledonous plant.

15. (Original) The plant cell of claim 14, wherein said monocotyledonous plant is a maize plant.

16. (Amended once) A method for constitutively expressing a heterologous nucleotide sequence in a plant, said method comprising:

(a) transforming a plant cell with a transformation vector comprising an expression cassette, said expression cassette comprising a plant promoter of claim 2 operably linked to a coding sequence ; and

(b) regenerating a stably transformed plant from said transformed cell, said plant having stably incorporated into its genome said expression cassette.

17. (Canceled 10-10-02)

18. (Canceled 10-10-02)